

**UNITED STATES BANKRUPTCY COURT  
WESTERN DISTRICT OF MISSOURI**

In re:

Michael Thomas Milliman,

Debtor.

Chapter 7

Case No. 23-60322 (CAN)

“LILY,” “SARAH,” “SOLOMON,” “HENLY,”  
WILLIAM L.E DUSSAULT as Guardian ad litem for  
“VIOLET,” a minor, JANE ROE, as next of friend of  
“PIA,” a minor, “JENNY” and “FIONA,”

Plaintiffs,

v.

MICHAEL THOMAS MILLIMAN,

Defendant.

Adv. Proc. No.: 23-06007

Jury Trial Demanded

**AMENDED COMPLAINT TO DETERMINE NON-  
DISCHARGEABILITY OF DEBT PURSUANT TO SECTION 523 OF THE  
BANKRUPTCY CODE**

Plaintiffs, on their own behalf and by their corresponding next friends as indicated, and through their undersigned counsel, as and for their complaint (the “Complaint”) against defendant Michael Thomas Milliman (the “Defendant”), a debtor in the above-captioned case under chapter 7 of Title 11 of the United States Code (the “Bankruptcy Code”), allege upon information and belief as follows:

**INTRODUCTION**

1. The Defendant pled guilty to viewing child pornography which depicted images of Plaintiffs. Defendant was sentenced to a period of 36 months’ imprisonment and directed to pay restitution to his eleven (11) victims. Plaintiffs also commenced an action under section

2255(a) of Title 18 of the United States Code (“Title 18”), which allows victims of child pornography to recover, among other things, liquidated damages in the amount of \$150,000.

Defendant’s debts to Plaintiffs are nondischargeable pursuant to section 523 of the Bankruptcy Code

### **PARTIES**

2. “Lily” is currently an adult and resides outside the state of Missouri.

3. “Lily” is the pseudonym for the victim depicted in the Vicky child pornography series.

4. “Sarah” is currently an adult and resides outside the state of Missouri.

5. “Sarah” is the pseudonym for the victim depicted in the Marineland1 child pornography series.

6. “Solomon” is currently an adult and resides outside of the state of Missouri.

7. “Solomon” is the pseudonym for the victim depicted in the J\_blonde child pornography series.

8. William L.E. Dussault is an attorney licensed in the States of Washington and Colorado and has been appointed Guardian ad Litem for “Violet” who is a minor and resides outside the state of Missouri.

9. “Violet” is a pseudonym for the victim depicted in the At School child pornography series.

10. Jane Roe is a pseudonym for “Pia’s” mother and acts as Next Friend for “Pia” who is a minor and resides outside the state of Missouri.

11. “Pia” is a pseudonym for a victim depicted in the Sweet White Sugar child pornography series.

12. “Henley” is currently an adult and resides outside the state of Missouri.

13. “Henley” is the pseudonym for the victim depicted in the BluePillow1 child pornography series.

14. “Jenny” is currently an adult and resides outside the state of Missouri.

15. “Jenny” is a pseudonym for the victim of the Jenny child pornography series.

16. “Fiona” is currently an adult and resides outside the state of Missouri.

17. “Fiona” is a pseudonym for a victim depicted in the BluesPink1 child pornography series.

18. Each of the plaintiffs is a person sexually abused as a child and who is depicted in images of child pornography seized from defendant’s possession.

19. The Defendant is an adult currently in the custody of the United States Bureau of Prisons.

20. On information and belief, the defendant resided in this district prior to his incarceration.

### **JURISDICTION AND VENUE**

21. This Court has jurisdiction over this proceeding pursuant to 28 U.S.C. §1334, which is a core proceeding pursuant to 28 U.S.C. §157(b)(2). Venue is proper before this Court pursuant to 28 U.S.C. §1409.

**BASIS FOR RELIEF REQUESTED**

22. This adversary proceeding is initiated pursuant to section 523 of the Bankruptcy Code.

**FACTS**

23. Defendant was charged in the United States District Court, Western District of Missouri, in the matter denominated *United States v. Michael Milliman*, WDMO Southern Division, Case No. CR 19-03174-01-CR-S-MDH (the “Criminal Case”), with the crime of Possession of Child Pornography in violation of 18 USC 2252(a)(4)(B) and (b)(2). This crime was alleged to have been committed between January 1, 2015 and February 26, 2019.

24. On April 19, 2021, Defendant pleaded guilty to this child pornography offense and was sentenced with a judgment entered against him on July 28, 2021. *See* Criminal Case Docket Nos. 34, 36. Defendant was sentenced to a period of incarceration of thirty-six (36) months. *See* Criminal Case Docket No. 47.

25. As a part of sentencing, Defendant and the United States entered a stipulation which expressly required Defendant to pay restitution to each of the Plaintiffs in this case. The Court presiding over the Criminal Case entered an order of restitution for \$55,000. *See* Criminal Case Docket Nos. 47, 48.

26. Plaintiffs have each elected to receive notices via the United States Department of Justice Victim Notification System (VNS) which alerts them when they are potential victims in investigations by federal law enforcement agencies.

27. Child Victim Identification Program (CVIP) analysts at the National Center for Missing and Exploited Children (NCMEC) matched child pornography images on the Defendant’s computer to child pornography images of Plaintiffs in NCMEC’s database and

notified the government of its findings in a CVIP report. Upon information and belief, this CVIP report was supplied to the Defendant's criminal defense attorney.

28. On December 19, 2019, Plaintiffs first received notice from VNS that their child pornography images were among those possessed by Defendant in violation of federal child pornography law.

29. On December 28, 2022, Plaintiffs commenced an action under section 2255 of Title 18 seeking damages from Defendant. "*LILY,*" *et al. v. Milliman*, Case No. 6:22-cv-3329 (W.D. Mo. 2022).

30. Plaintiffs have suffered a personal injury as a result of Defendants child pornography crimes.

**FIRST CAUSE OF ACTION**  
**(for determination that the debt due to Plaintiffs is non-dischargeable)**  
**(11 U.S.C. §523(a)(6))**

31. Plaintiffs repeat and reallege each of the allegations set forth above as through fully set forth herein.

32. Defendant viewed child pornography depicting Plaintiffs while they were minors.

33. Defendant is liable to Plaintiffs, including pursuant to section 2255 of Title 18.

34. Plaintiffs suffered willful and malicious injury by Defendant by his viewing child pornography images of Plaintiffs.

35. Defendant's conduct, as alleged above, precludes him from obtaining a discharge of his debt to Plaintiffs pursuant to section 523(a)(6) of the Bankruptcy Code

**SECOND CAUSE OF ACTION**

**(for determination that the debt due to Plaintiffs is non-dischargeable)  
(11 U.S.C. §523(a)(13))**

36. Plaintiffs repeat and reallege each of the allegations set forth above as through fully set forth herein.

37. Defendant viewed child pornography depicting Plaintiffs while they were minors.

38. Defendant is liable to Plaintiffs, including pursuant to an order of restitution under Title 18.

39. Defendant's conduct, as alleged above, precludes him from obtaining a discharge of his debt to Plaintiffs pursuant to section 523(a)(13) of the Bankruptcy Code

[Remainder of Page Intentionally Blank]

WHEREFORE, Plaintiffs pray for judgment as follows:

- a. On Count I, for a determination that the debt owed by defendant to each Plaintiff is not dischargeable pursuant to 11 U.S.C. §523(a)(6); and
- b. On Count II, for a determination that the debt owed by defendant to each Plaintiff is not dischargeable pursuant to 11 U.S.C. §523(a)(13); and
- c. Awarding prejudgment interest to each plaintiff; and
- d. Awarding to each Plaintiff the costs of suit incurred herein; and
- e. For such other relief as the Court may find just and proper.

September 28, 2023

Respectfully submitted,

HOUSE PACKARD MCELDERRY LLC

/s/ Jennifer E. McElderry  
Jennifer E. McElderry MO 62054  
104 W. Kansas St., Suite B  
Liberty, MO 64068  
(816) 875-4270 Phone  
(844) 718-0748 Fax  
Jennifer@hpmlawkc.com

PACHULSKI STANG ZIEHL & JONES LLP.

/s/ Ilan D. Scharf  
Ilan D. Scharf, Esq. (*Pro hac vice forthcoming*)  
780 Third Ave., 34<sup>th</sup> Floor  
New York, NY 10017  
Telephone: (212) 561-7700  
Facsimile: (212) 561-7777  
E-mail: jstang@pszjlaw.com  
ischarf@pszjlaw.com  
kdine@pszjlaw.com

BILL KENNEY LAW FIRM, LLC

/s/ William C. Kenney  
William C. Kenney, Esq.  
Mo. Bar. No. 63001  
PO Box 561  
Lee's Summit, MO 64063  
Telephone: (816) 842-2455  
Facsimile: (816) 474-8899  
E-mail: bkenney@billkenneylaw.com

CAROL L. HEPBURN P.S.

/s/ Carol L. Hepburn  
Carol L. Hepburn, Esq. (*Pro hac vice forthcoming*)  
PO Box 17718  
Seattle, WA 98127  
Telephone: (206) 957-7272  
Facsimile: (206) 957-7273  
Email: carol@hepburnlaw.net

DEBORAH A. BIANCO, P.S.

/s/ Deborah A. Bianco  
Deborah A. Bianco, Esq. (*Pro hac vice forthcoming*)  
14535 Bellevue-Redmond Road, Suite 201  
Bellevue, WA 98007  
Telephone: (425) 757-4500  
Email: deb@debbiancolaw.com

MARSH LAW FIRM PLLC

/s/ Margaret E. Mabie  
Margaret E. Mabie, Esq. (*Pro hac vice forthcoming*)  
31 Hudson Yards, 11th Floor  
New York, NY 10001  
Telephone: (212) 372-3030  
Email: margaretmabie@marsh.law